

FORM PTO-1390 (Modified)  
(REV 10-95)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES**  
**DESIGNATED/ELECTED OFFICE (DO/EO/US)**  
**CONCERNING A FILING UNDER 35 U.S.C. 371**

56290-2

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

**09/647726**INTERNATIONAL APPLICATION NO.  
**PCT/US99/05646**INTERNATIONAL FILING DATE  
**15 March 1999 (15.03.99)**PRIORITY DATE CLAIMED  
**02 April 1998 (02.04.98)**

TITLE OF INVENTION

**BONE XENOGRAPHS**

APPLICANT(S) FOR DO/EO/US

**Kevin R. Stone and Uri Galili**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 13 to 18 below concern document(s) or information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.  
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☒ Certificate of Mailing by Express Mail
19. ☒ Other items or information:

copy of PCT/US99/05646 as published; and  
 acknowledgement postcard

U.S. APPLICATION NO. <b>09/84777</b>	INTERNATIONAL APPLICATION NO. <b>PCT/US99/05646</b>	ATTORNEY'S DOCKET NUMBER <b>56290-054</b>
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20. The following fees are submitted:

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5)) :**

- |   |                 |
|---|-----------------|
| <input type="checkbox"/> Search Report has been prepared by the EPO or JPO .....  | <b>\$840.00</b> |
| <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) .....   | <b>\$670.00</b> |
| <input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....      | <b>\$760.00</b> |
| <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....               | <b>\$970.00</b> |
| <input checked="" type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) ..... | <b>\$96.00</b>  |

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

**CALCULATIONS PTO USE ONLY**

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	48 - 20 =	28	x \$18.00	<b>\$504.00</b>	
Independent claims	5 - 3 =	2	x \$80.00	<b>\$160.00</b>	
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>	

**TOTAL OF ABOVE CALCULATIONS =**

**\$894.00**

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). ☒

**\$447.00**

**SUBTOTAL =**

**\$447.00**

Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). ☐ +

**\$0.00**

**TOTAL NATIONAL FEE =**

**\$447.00**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). ☐

**\$0.00**

**TOTAL FEES ENCLOSED =**

**\$447.00**

Amount to be: refunded	\$
charged	\$

- ☒ A check in the amount of **\$447.00** to cover the above fees is enclosed.
- ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- ☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_ A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

**Mark G. Lappin, P.C.**  
**McDermott, Will & Emery**  
 28 State Street  
 Boston, Massachusetts 02109  
 Tel. (617) 535-4000  
 Fax: (617) 535-3800

SIGNATURE

**Mark G. Lappin, P.C.**

NAME

**26,618**

REGISTRATION NUMBER

**2 October 2000**

DATE

10-03-00 09/647728CT

TRANSMITTAL LETTER TO THE  
UNITED STATES RECEIVING OFFICE

DATE RECEIVED  
OCT 03 2000  
PATENT & TRADEMARK OFFICE

Patent & Trademark Office

Date	2 October 2000
International Application No.	PCT/US99/05646
Attorney Docket No.	56290-054

526 Rec'd PCT/PTO 02 OCT 2000

EL543281854US
Express Mail mailing number

2 October 2000
Date of Deposit

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

<i>Roberta L. Hahn</i>
Signature of person mailing correspondence

Roberta L. Hahn
Typed or printed name of person mailing correspondence

II. ☐ New International Application

TITLE		Earliest priority date (Day/Month/Year)

**SCREENING DISCLOSURE INFORMATION:** In order to assist in screening the accompanying international application for purposes of determining whether a license for foreign transmittal should and could be granted and for other purposes, the following information is supplied. (Note: check as many boxes as apply):

- A. ☐ The invention disclosed was **not** made in the United States.
- B. ☐ There is no prior U.S. application relating to this invention.
- C. ☐ The following prior U.S. application(s) contain subject matter which is related to the invention disclosed in the attached international application. (NOTE: priority to these applications may or may not be claimed on form PCT/RO/101 (Request) and this listing does not constitute a claim for priority).

application no.		filed on	
application no.		filed on	

- D. ☐ The present international application ☐ is identical ☐ contains less subject matter than that found in the prior U.S. application(s) identified in paragraph C.
- E. ☐ The present international application ☐ contains additional subject matter not found in the prior U.S. application(s) identified in paragraph C. above. The additional subject matter is found on pages  and ☐ DOES NOT ALTER ☐ MIGHT BE CONSIDERED TO ALTER the general nature of the invention in a manner which would require the U.S. application to have been made available for inspection by the appropriate defense agencies under 35 U.S.C. 181 and 37 CFR 5.1. See 37 CFR 5.15

III. ☐ A Response to an Invitation from the RO/US. The following document(s) is (are) enclosed:

- A. ☐ A Request for An Extension of Time to File a Response
- B. ☐ A Power of Attorney (General or Regular)
- C. ☐ Replacement pages:

pages		of the request (PCT/RO/101)	pages		of the figures
pages		of the description	pages		of the abstract
pages		of the claims			

- D. ☐ Submission of Priority Documents

Priority document		Priority document	
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- E. ☐ Fees as specified on attached Fee Calculation sheet form PCT/RO/101 annex

IV. ☐ A Request for Rectification under PCT 91 ☐ A Petition ☐ A Sequence Listing Diskette

- V. ☒ Other (please specify): Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 USC 371; Copy of published PCT Application; Copy of IPER; Check for \$447; and return postcard

The person signing this form is the:

<input type="checkbox"/> Applicant	Mark G. Lappin
<input checked="" type="checkbox"/> Attorney/Agent (Reg. No.) 26,618	Typed name of signer
<input type="checkbox"/> Common Representative	Signature